

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-37 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, the Examiner objected to Fig. 1. The figure has been amended to include the legend "PRIOR ART", as suggested by the Examiner.

Claims 28 and 33 were objected to because of informalities. Claims 28 and 33 have been corrected accordingly.

Turning now to the art rejections, the Examiner rejected claims 1-37 under 35 U.S.C. § 102(e) as being anticipated by Yamauchi (U.S. Patent No. 6,728,148 B2). However, the Yamauchi patent is not prior art.

The Yamauchi patent issued on April 27, 2004 from U.S. Application No. 10/232,785, filed August 28, 2002.

Submitted with the present Amendment is a Declaration Under 37 C.F.R. § 1.131 executed by Michael A. Killian, a co-inventor of the present application, which establishes that the subject matter of the invention was conceived before the August 28, 2002 effective date of the Yamauchi patent and which declares that the invention was acted upon with due diligence from a time just prior to the effective date of the Yamauchi patent until the filing date of the present application.

Accordingly, the withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicant's attorney at (908)

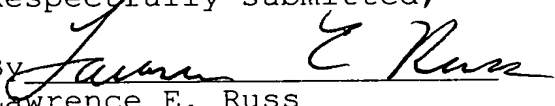
654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 7, 2004

Respectfully submitted,

By


Lawrence E. Russ

Registration No.: 35,342

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

531136_1.DOC

IN THE DRAWINGS

Applicants respectfully request permission to amend the drawings as indicated in red on the copy of the drawings attached hereto. Specifically, Applicants request the following changes to the figures:

In Fig. 1, add the legend "(PRIOR ART)".

Attachment: Replacement Sheets



ANNOTATED SHEET
SHOWING CHANGES

FIG. 1
(PRIOR ART)

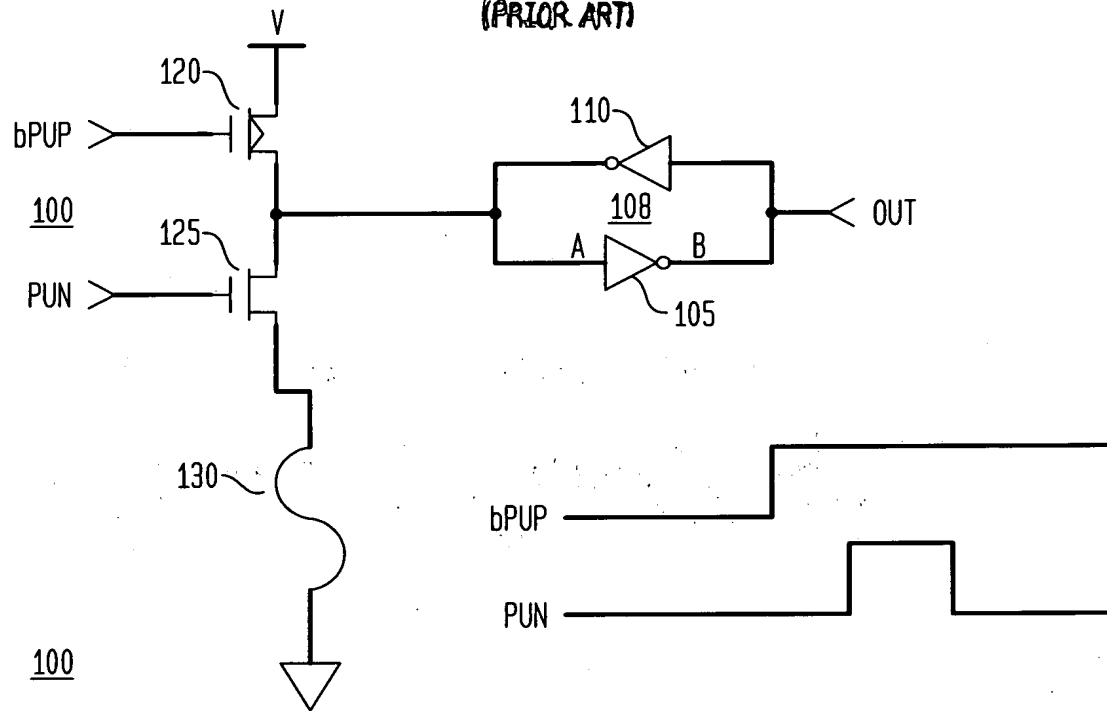


FIG. 2

